IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12319 of 2004

Between:

Pasupuleti Ravichandra Babu, S/o Brahmananda Rao, Suravarapupalli, Yeddanapudi Mandal, Prakasam District

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments, Ongole, Prakasam District
2 The Inspector, Endowments Department, Chennakesava Swami Temple, Addanki Division, Ongole, Prakasam District
3 The Executive Officer, Chennakesava Swami Temple, Addanki Division, Ongole, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondents as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the mandatory provisions of A.P. Act 30/1987 and the Rules framed thereunder on the subject from time to time, directing them to deliver possession of the property of an extent of Ac. 7.50 cents in S. No. 471 of Suravarapupalli Village, Yeddanapudi Mandal, Prakasam District

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

ORDER:

The petitioner is one of the bidders, who participated in the auction conducted on 21-06-2004 in respect of leasehold rights of Ac.7-50 cents of land situated in Suravarapupalli village belonging to Chennakesava Swami Temple, Addanki Division, Ongole, Prakasam District. He states that he is the highest bidder and out of the total amount of Rs.80,000/- he has already deposited a sum of Rs.21,000/- on 21-06-2004 itself. The grievance of the petitioner is that in spite of the fact that he deposited Rs.21,000/- in accordance with the auction conditions, the respondents failed to deliver possession of the land in question. When he approached the respondents, they did not give any reason for not delivering the possession. On the other hand, they were proposing to conduct a fresh auction on 18-07-2004. In the said circumstances, the petitioner has filed this writ petition seeking a direction to the respondents not to conduct auction for the land in question and further directing them to deliver possession of the property of Ac.7-50 cents.

When the matter came up for consideration on 16-07-2004, the learned Standing Counsel appearing for the third respondent took time for getting instructions. The learned Standing Counsel under instruction now submits that no re-auction was conducted on 18-07-2004. The plea that the petitioner is the highest bidder and that he has already deposited part of the bid amount has not been disputed.

The learned Counsel for the petitioner submits that since the petitioner is ready to pay the balance amount if reasonable time is granted, the respondents may be directed to hand over the possession to him so that he can proceed with the agricultural operations.

The submission of the learned Counsel for the petitioner has not been opposed by the learned Standing Counsel for the third respondent.

In the circumstances, with the consent of both the parties the Writ Petition is disposed of permitting the petitioner to deposit the balance bid amount in two equal instalments. First instalment shall be deposited within a period of six weeks from today and the remaining amount shall be deposited within a period of six weeks thereafter. There shall be a direction to the respondents to deliver possession of the land in question to the petitioner forthwith. However, it is made clear that in case of default on the part of the petitioner in depositing the amounts as directed above, it is open to the respondents to take appropriate proceedings in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

_____

20th July, 2004.

Note:- Furnish CC in 3 days.

(B/O)

VGB

To

1 The Assistant Commissioner, Endowments, Ongole, Prakasam District
2 The Inspector, Endowments Department, Chennakesava Swami Temple, Addanki Division, Ongole, Prakasam District
3 The Executive Officer, Chennakesava Swami Temple, Addanki Division, Ongole, Prakasam District

4 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

5 2CD copies